

STATE OF SOUTH CAROLINA

South Carolina Electric & Gas Company – Annual
Request for Revised Rates

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
COVERSHEET

DOCKET

NUMBER: 2014- 187 - E

(Please type or print)

Submitted by: Matthew W. Gissendanner

SC Bar Number: 76027

Address: SCANA Corp.
220 Operation Way MC C222
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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other: _____

INDUSTRY (Check one)
u s t r y c c h e c t o n e

NATURE OF ACTION (Check all that apply)

- | | | | |
|--|--|--|--|
| <input checked="" type="checkbox"/> Electric | <input type="checkbox"/> Affidavit | <input checked="" type="checkbox"/> Letter | <input type="checkbox"/> Request |
| <input type="checkbox"/> Electric/Gas | <input type="checkbox"/> Agreement | <input type="checkbox"/> Memorandum | <input type="checkbox"/> Request for Certification |
| <input type="checkbox"/> Electric/Telecommunications | <input type="checkbox"/> Answer | <input type="checkbox"/> Motion | <input type="checkbox"/> Request for Investigation |
| <input type="checkbox"/> Electric/Water | <input type="checkbox"/> Appellate Review | <input type="checkbox"/> Objection | <input type="checkbox"/> Resale Agreement |
| <input type="checkbox"/> Electric/Water/Telecom. | <input type="checkbox"/> Application | <input type="checkbox"/> Petition | <input type="checkbox"/> Resale Amendment |
| <input type="checkbox"/> Electric/Water/Sewer | <input type="checkbox"/> Brief | <input type="checkbox"/> Petition for Reconsideration | <input type="checkbox"/> Reservation Letter |
| <input type="checkbox"/> Gas | <input type="checkbox"/> Certificate | <input type="checkbox"/> Petition for Rulemaking | <input type="checkbox"/> Response |
| <input type="checkbox"/> Railroad | <input type="checkbox"/> Comments | <input type="checkbox"/> Petition for Rule to Show Cause | <input type="checkbox"/> Response to Discovery |
| <input type="checkbox"/> Sewer | <input type="checkbox"/> Complaint | <input type="checkbox"/> Petition to Intervene | <input checked="" type="checkbox"/> Return to Petition |
| <input type="checkbox"/> Telecommunications | <input type="checkbox"/> Consent Order | <input type="checkbox"/> Petition to Intervene Out of Time | <input type="checkbox"/> Stipulation |
| <input type="checkbox"/> Transportation | <input type="checkbox"/> Discovery | <input type="checkbox"/> Prefiled Testimony | <input type="checkbox"/> Subpoena |
| <input type="checkbox"/> Water | <input type="checkbox"/> Exhibit | <input type="checkbox"/> Promotion | <input type="checkbox"/> Tariff |
| <input type="checkbox"/> Water/Sewer | <input type="checkbox"/> Expedited Consideration | <input type="checkbox"/> Proposed Order | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Administrative Matter | <input type="checkbox"/> Interconnection Agreement | <input type="checkbox"/> Protest | |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Interconnection Amendment | <input type="checkbox"/> Publisher's Affidavit | |
| | <input type="checkbox"/> Late-Filed Exhibit | <input type="checkbox"/> Report | |



Matthew W. Gissendanner
Assistant General Counsel

matthew.gissendanner@scana.com

August 21, 2014

VIA ELECTRONIC DELIVERY

The Honorable Jocelyn Boyd
Chief Clerk and Administrator
Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

RE: South Carolina Electric & Gas Company's Annual Request for Revised Rates
Docket No. 2014-187-E

Dear Ms. Boyd:

Enclosed for filing is South Carolina Electric & Gas Company's Return in Opposition and Objection to the Petition to Intervene of Mr. Joseph Wojcicki in the above-referenced docket.

By copy of this letter, we are also serving Mr. Wojcicki and counsel for the South Carolina Office of Regulatory Staff with a copy of the enclosed document and attach a certificate of service to that effect.

If you have any questions, please do not hesitate to contact us.

Respectfully submitted,

Matthew W. Gissendanner

MWG/ctb
Enclosures

cc: Joseph Wojcicki
John W. Flitter
M. Anthony James
Shannon Bowyer Hudson, Esquire
(all via electronic mail and U.S. First Class Mail)

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2014-187-E

IN RE:

South Carolina Electric & Gas Company -)
Annual Request for Revised Rates.)
)
_____)

**CERTIFICATE
OF SERVICE**

This is to certify that I have caused to be served this day one (1) copy of **Return in Opposition and Objection of South Carolina Electric & Gas Company to Petition to Intervene of Joseph Wojcicki** to the persons named below at the addresses set forth via electronic mail and U.S. First-Class Mail:

Joseph Wojcicki
820 East Steele Road
West Columbia, South Carolina 29170
joe4solar@aol.com

M. Anthony James
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201
majames@regstaff.sc.gov

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shudson@regstaff.sc.gov

Cheryl Tillie Barrett
Cheryl Tillie Barrett

Cayce, South Carolina

This 21st day of August 2014

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2014-187-E

IN RE:

South Carolina Electric & Gas)	
Company's Annual Request for)	RETURN IN OPPOSITION
Revised Rates.)	AND OBJECTION OF SCE&G
=====)	

**RETURN IN OPPOSITION AND OBJECTION OF
SOUTH CAROLINA ELECTRIC & GAS COMPANY
TO PETITION TO INTERVENE OF
JOSEPH WOJCICKI**

South Carolina Electric & Gas Company ("SCE&G" or "Company") hereby files with the Public Service Commission of South Carolina ("Commission") this Return in Opposition and Objection to the Petition to Intervene of Mr. Joseph Wojcicki served upon counsel for SCE&G on August 13, 2014, in the above-captioned matter. For the reasons set forth herein, SCE&G respectfully requests that the Commission deny Mr. Wojcicki's request to intervene in this docket.

ARGUMENT

The Commission should deny the Petition to Intervene because Mr. Wojcicki lacks the requisite standing to participate in this proceeding.

The grant or denial of a petition to intervene is within the sound discretion of the Commission. However, such discretion is bounded by guiding principles and factors. One such principle is that a party generally must have standing to

intervene. *See Ex Parte Gov't Employee's Ins. Co.*, 373 S.C. 132, 644 S.E.2d 699 (2007). To have standing, a party must have a personal stake in the subject matter of the proceeding. *See Duke Power Co. v. South Carolina Pub. Serv. Comm'n*, 284 S.C. 81, 326 S.E.2d 395 (1985) (stating that a party must have a "personal stake" in the subject matter of the proceeding). Under South Carolina law, the party asserting standing must show an actual or likely "invasion of a legally protected interest which is (a) concrete and particularized, and (b) actual or imminent, not conjectural or hypothetical." *Smiley v. S.C. Dept. of Health & Envtl. Control*, 374 S.C. 326, 329, 649 S.E.2d 31, 32-33 (2007) (quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-561, 112 S.Ct. 2130, 119 L.Ed.2d 351 (1992)) (internal quotations and citations omitted); *Sea Pines Ass'n for the Protection of Wildlife, Inc. v. S.C. Dep't of Natural Resources*, 345 S.C. 594, 550 S.E.2d 287 (2001). The person asserting standing "must be affected in a personal and individualized way by the [regulatory] decision." *Smiley*, 374 S.C. at 330, 649 S.E.2d at 33 (quoting *Lujan*, supra). The "imminent prejudice must be of a personal nature to the party laying claim to standing and not merely of general interest common to all members of the public." *Sea Pines Ass'n*, 345 S.C. at 600, 550 S.E.2d at 291.

In Docket No. 2009-498-E styled as "Application of South Carolina Electric & Gas Company for Increase and Adjustments in Electric Rate Schedules and Tariffs," the Commission acknowledged the legal precedent established in *Ex Parte Gov't Employee's Ins. Co.* and *Duke Power Co. v. South Carolina Pub. Serv. Comm'n*,

applied the law established in those cases, and ruled that Mr. Wojcicki lacked the requisite standing to intervene in Docket No. 2009-489-E. *See* Order No. 2010-221.

In Docket No. 2012-203-E, Mr. Wojcicki sought to intervene in another SCE&G proceeding. By Order No. 2012-495 dated July 17, 2012, the Commission ruled that Mr. Wojcicki's petition failed to meet the legal standards for a petition to intervene in South Carolina. Accordingly, the Commission denied his request to intervene.

Undeterred, Mr. Wojcicki sought to intervene in additional SCE&G proceedings in which, as here, the Company sought revised rates under the Base Load Review Act ("BLRA"). *See* Docket Nos. 2012-186-E and 2013-150-E. By Order Nos. 2012-628 and 2013-481, the Commission denied Mr. Wojcicki's request to intervene. Nothing has changed since the rulings issued by the Commission in the dockets referenced herein to warrant a different outcome in this proceeding, and therefore, the Commission should deny Mr. Wojcicki's request to intervene in the instant docket.

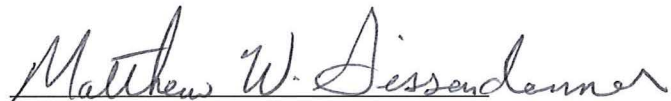
According to SCE&G's customer service records, the Company does not provide electric service to Mr. Wojcicki. *See* attached Exhibit A (Affidavit of Marsha H. Klatt). Because Mr. Wojcicki is not an SCE&G customer, he does not possess the requisite standing to be a party of record in this docket. *Cf. Duke Power Co. v. South Carolina Pub. Serv. Comm'n*, 284 S.C. 81, 326 S.E.2d 395 (1985) (holding that the actual ratepayers lacked standing because their asserted interests were "too

contingent, hypothetical, and improbable to support standing to attack the . . . practices of the Public Service Commission”).

Moreover, Mr. Wojcicki’s assertion that he is “a SCANA shareholder” does not constitute a “personal stake” thereby elevating him to the status of an intervenor. *Id.* Mr. Wojcicki made the same assertion in his attempt to intervene in Docket 2012-186-E, a proceeding in which SCE&G sought revised rates under the BLRA; and the Commission found that the assertions did not constitute a basis for standing in that docket. *See* Commission Order No. 2012-628.

Based on the foregoing, Mr. Wojcicki has failed to meet the threshold required to qualify as an intervenor in this proceeding, and his Petition to Intervene must be denied. *See* Commission Order No. 2012-628. Therefore, SCE&G respectfully requests that the Commission deny the Petition to Intervene.

Respectfully submitted,



K. Chad Burgess, Esquire
Matthew Gissendanner, Esquire
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matthew.gissendanner@scana.com

Attorneys for
South Carolina Electric & Gas Company

Cayce, South Carolina
August 21, 2014

Exhibit A

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2014-187-E

IN RE:

South Carolina Electric & Gas)
Company's Annual Request for)
Revised Rates.)
_____)

**AFFIDAVIT OF
MARSHA H. KLATT**


Personally appeared before me Marsha H. Klatt who, having first been duly sworn,
deposes and states as follows:

1. My name is Marsha H. Klatt and I am a Senior Analyst for South Carolina Electric & Gas Company ("SCE&G" or "Company").
2. This affidavit is based upon my personal knowledge and review of documents received and maintained in the ordinary course of business by SCE&G. I am familiar with the records of SCE&G that pertain to its customers.
3. I conducted a search of the Company's records and determined that Mr. Joseph Wojcicki is not an electric customer of SCE&G.

FURTHER AFFIANT SAYETH NOT.


Marsha H. Klatt

Sworn to and subscribed before me
this 20th day of August, 2014


Notary Public for South Carolina
My Commission Expires: 07-26-21